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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Ms. J.P., et al.,

Plaintiffs,

v.

Merrick B. Garland,

U.S. Attorney General, et al.,

Defendants.

Case No. 2:18-cv-6081-JAK-SK

**DECLARATION OF ANNE LAI IN
SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES
AND COSTS**

Date: March 25, 2024

Time: 8:30 a.m.

Ctrm: 10B

Location: First Street Courthouse
350 W. First Street

Los Angeles, CA 90012
Judge: Hon. John A. Kronstadt

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17 *Admitted pro hac vice
18 ** Institution listed for identification
purposes only
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1 I, Anne Lai, declare as follows:

2 1. I execute this declaration based upon my personal knowledge. If called as
3 a witness in this proceeding, I could and would competently testify with respect to the
4 facts set forth herein. I execute this declaration in support of plaintiffs' motion for an
5 award of attorney's fees under the Equal Access to Justice Act (EAJA) calculated at
6 prevailing market rates. I believe that counsel with specialized expertise unavailable at
7 the inflation-adjusted EAJA rate was essential to the successful litigation of plaintiffs'
8 claims in *Ms. J.P. et al. v. Garland, et al.*

9 2. I presently serve as a clinical professor of law and Co-Director of the
10 Immigrant Rights Clinic at the University of California, Irvine School of Law ("UCI
11 IRC"). UCI IRC is a law school clinic based in Irvine, California that advocates on
12 behalf of individuals and community groups. My teaching, research and legal practice
13 focus on the intersection of immigrants' rights, civil rights, immigrant workers' rights,
14 and criminal law and procedure.

15 3. I have substantial experience litigating complex civil and constitutional
16 rights cases in the federal courts, and many of the cases I have litigated have involved
17 the protection of immigrants' rights. During my time at the ACLU of Arizona, I
18 served as a member of the monitoring team for plaintiffs in *Arnold v. Ariz. Dep't of*
19 *Public Safety*, No. CV-01001463-PCT-JAT (D. Ariz. 2006) (class action alleging
20 pattern and practice of racial profiling in traffic stops) and *Graves v. Arpaio*, No. CV-
21 77-00479-PHX-NVW (D. Ariz. 2008) (class action relating to conditions in the
22 Maricopa County Jails). I also represented the plaintiff or plaintiffs in *Ortega*
23 *Melendres v. Arpaio*, No. CV-07-2513-PHX-GMS (D. Ariz. 2007) (class action
24 against the Maricopa County Sheriff's Office (MCSO) alleging pattern and practice of
25 racial discrimination and Fourth Amendment violations, including in immigration-
26 related operations), *Lopez-Valenzuela v. Maricopa County*, No. 08-cv-660-SRB (D.
27 Ariz. 2008) (class action challenging Arizona state constitutional amendment
28 prohibiting release on bail of criminal defendants alleged to be undocumented

immigrants), *Mabrouk v. Arpaio*, No. 09-cv-01184 (D. Ariz. 2009) (1983 damages action on behalf of Muslim woman detained in Maricopa County Jail that led to change in MCSO policy on religious head coverings at intake and booking), and *Valle del Sol v. Whiting*, No. 10-01061 (D. Ariz. 2010) (challenge to constitutionality of Arizona's state immigration law, S.B. 1070 2010). In addition, I served as the lead attorney in *Mora v. Arpaio*, No. 09-cv-1719-DGC (D. Ariz. 2011) (damages action on behalf of U.S. citizen and lawful permanent resident detained by MCSO in connection with worksite raid), successfully obtaining a \$200,000 settlement after prevailing in part on summary judgment.

4. After entering law teaching, I continued to litigate complex cases in federal court. For example, I served as counsel for plaintiffs in *Chacon v. East Haven Police Dep't*, No. 10 CV 1692 (JBA) (D. Conn. 2010) (action against EHPD challenging a pattern and practice of discriminatory policing and excessive force) and *Brizuela v. Feliciano*, No. 12-cv-0226 (JBA) (D. Conn. 2012) (class action challenging Connecticut Department of Corrections' practice of holding individuals on immigration detainers without probable cause past their time in state criminal custody). In my personal capacity, I continued to serve as counsel to plaintiffs in *Ortega Melendres v. Arpaio*, arguing before the Ninth Circuit Court of Appeals, serving as a member of the trial team, and playing a substantial role in fashioning comprehensive relief following the District Court's issuance of its Findings of Fact and Conclusions of Law. Further, I represented several immigration clients in federal court actions, such as *Pierre v. Holder*, No. 10-2131 (2nd Cir. 2010) (petition for review involving claim of derivative citizenship based on constitutional equal protection grounds). More recently, our clinic served as lead counsel in *Puente v. Arpaio*, No. 2:14-cv-01356-DGC (D. Ariz. 2017) (action challenging Maricopa County law enforcement officials' practice of arresting and prosecuting immigrant workers for I-9 related conduct that followed from their undocumented status). We currently serve as lead counsel in *UCI Law School Immigrant Rights Clinic v. ICE*,

No. 8:20-cv-01188- DOC-KES (C. D. Cal. 2020) (Freedom of Information Act lawsuit seeking records about ICE's relationship with the private contractor Palantir Technologies, Inc.).

5. I am familiar with the specialized knowledge and expertise and reputations of Mark D. Rosenbaum and Talia Inlender. I am generally familiar with the *Ms. J.P. et al. v. Garland, et al.* litigation and settlement, and with other major litigation Mark D. Rosenbaum and Talia Inlender have brought on behalf of immigrants asserting civil rights violations, including as set forth below.

6. I am generally aware of other major litigation Mark D. Rosenbaum has successfully brought on behalf of immigrants including, *Orantes-Hernandez v. Holder*, 713 F. Supp. 2d 929, 960–61 (C.D. Cal. 2010) (challenging practices and procedures employed by the Immigration and Naturalization Service to detain, process, and remove Salvadorian nationals; awarded enhanced fees for distinctive knowledge and specialized skills under the EAJA).

7. I am also generally aware of other major litigation Talia Inlender has brought on behalf of immigrants, including *Intl. Refugee Assistance Project v. Kelly*, No. 2:17-cv-1761-JLS-AFMx, 2017 WL 3263870, at *1 (C.D. Cal. July 27, 2017) (challenging the detention of an Afghan family following the Trump Administration's Muslim Ban; awarded enhanced fees for distinctive knowledge and specialized skills under the EAJA).

8. I am further familiar with the expertise of my fellow members of the immigration bar, legal services lawyers, and the private bar from which Public Counsel recruits *pro bono* attorneys. I am generally familiar with the billing practices of immigration practitioners and general members of the private bar.

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1 9. In my opinion, qualified counsel could not be found to represent class
2 members denied rights under the *Ms. J.P. et al. v. Garland, et al.* settlement at the
3 inflation-adjusted rate specified in the Equal Access to Justice Act. I believe expertise
4 in conducting complex federal litigation, as well as knowledge of the laws affecting
5 families detained in immigration custody and the rights of class members under the
6 settlement, were essential for plaintiffs to enjoy a fair chance of prevailing in the
7 present litigation.

8 10. Even were other lawyers qualified to vindicate class members' rights to
9 be found, I firmly believe none would have prosecuted an enforcement motion on
10 behalf of the plaintiff class at the inflation-adjusted EAJA rate. In my opinion,
11 developing expertise in the law affecting plaintiff class members would be
12 prohibitively time-consuming, and retaining qualified counsel at the inflation-adjusted
13 EAJA rate, all but impossible.

14 11. Further, in my experience, few legal aid lawyers or members of the
15 immigration bar regularly undertake federal litigation, and fewer still, class actions.
16 When private immigration practitioners do undertake litigation, they typically charge
17 at least several times the inflation-adjusted EAJA statutory rate. These billing rates are
18 comparable to those charged by private firms from which Public Counsel recruits *pro*
19 *bono* counsel. Based upon this experience, I do not believe qualified counsel of Mark
20 Rosenbaum's level of skill and expertise could have been found to prosecute
21 plaintiffs' claims for less than \$ 1,170 per hour and qualified counsel of Talia
22 Inlender's level of skill and expertise could not have been found to prosecute
23 plaintiffs' claims for less than \$795 per hour. I also believe the market rates for
24 lawyers with experience comparable to that of plaintiffs' counsel are even higher than
25 \$1,170 and \$795 per hour respectively.

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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 Executed on this 16th day of February 2024, in Los Angeles, California.

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